Inheritance according to Islamic Sharia Law

Mawarith - An Islamic Inheritance Calculation Program

Qur'an 4:11 Allah commands you as regards your children (inheritance),

To the **MALE**, a portion equal to that of **TWO FEMALES**;

If (there are) only **DAUGHTERS**, two or more, their share is **TWO-THIRDS** of the inheritance;

If only one, her share is **HALF**.

For **PARENTS**, a **SIXTH** share of inheritance to **EACH** if the deceased left **CHILDREN**;

If **NO CHILDREN**, and the **PARENTS** are the (**ONLY**) heirs, the **MOTHER** has a **THIRD**;

If the deceased left **BROTHERS** or (**SISTERS**), the **MOTHER** has a **SIXTH**.

> (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children are nearest to you in benefit. (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.

Qur'an 4:12 In that which your **WIVES** leave, your share is a **HALF** if they have **NO CHILD**;

But if they leave a **CHILD** you get a **FOURTH** of that which they leave after payment of legacies that they may have bequeathed or debts.

In that which **YOU** leave, their (**YOUR WIVES**) share is a **FOURTH** if you have **NO CHILD**;

But if you leave a **CHILD** they get an **EIGHTH** of that which you leave after payment of legacies that you may have bequeathed or debts.

If the **MAN** or **WOMAN** whose inheritance is in question has left **NEITHER ASCENDANTS NOR DESCENDANTS** (Al-Khalala), but has left a **BROTHER** or a **SISTER**, **EACH ONE** of the two gets a **SIXTH**; but if **MORE THAN TWO**, they share in a **THIRD**; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone).

<u>THIS IS A COMMANDMENT FROM ALLAH</u>; And Allah is Ever All-Knowing, Most-Forebearing.

Qur'an 4:176 They ask you for a legal verdict, Say, “Allah directs (thus) about Al-Khalala (those who leave neither ascendants nor descendants as heirs).

If it is a **MAN** that dies, leaving **A SISTER** but **NO CHILD**, **SHE** shall have **HALF** the inheritance.

If (such a deceased was) a woman, who left **NO CHILD**, her **BROTHER** takes her **INHERITANCE**.

If there are **TWO SISTERS**, they shall have **TWO-THIRDS** of the inheritance;

If there are **BROTHERS** and **SISTERS**, the male will have **TWICE** the share of the female.

(Thus) does Allah make clear to you (His Law) lest you go astray. And Allah is the All-Knower of everything.

LEVEL I - PRIMARY (Immediate) HEIRS

The primary (or immediate) heirs classified as Level I are:-

1. The **SPOUSE** (Husband or a maximum of four Wives)
2. The **CHILDREN** (Sons and Daughters)
3. The **PARENTS** (Father & Mother)
4. The **GRANDCHILDREN** (Sons's SON or Son's DAUGHTER only)

   (applicable only when the SON is already deceased only and has offspring)

LEVEL II - SECONDARY HEIRS

The secondary heirs classified as Level II are:-

1. The **GRANDPARENTS** (Paternal and Maternal)
2. The **BROTHERS** and/or **SISTERS** (In the absence of Father and Son ONLY)
3. The **UNCLES** and/or **AUNTS** (In the absence of Grandparents ONLY)
4. The **NEPHEWS** and/or **NIECES** (In the absence of Brothers and Sisters ONLY)

Note: It is not practical to go beyond Grandparents as the chances of Greatgrandparents surviving before you is not very high. However, the logic is that in the absence of a particular heir, the next level becomes eligible for inheritance. Eg; IF the Grandparents are dead THEN the Great Grandparents are entitled (if living only) and so on. It is better, for practicality and convenience to limit the inheritance level up to The GrandParents and the Grandchildren. If we attempt to go beyond these levels there will be no limit to the program logic validation.

Under Islamic Law, the primary beneficiaries of a deceased person are his/her IMMEDIATE (Level I) Heirs. ie; Spouse(s), Children, Parents and Grandchildren (if children are deceased only). The Grandchildren that are entitled are only the Son's Son or the Son's Daughter. Daughters children are not entitled even if the Daughter is deceased.

In the absence of some or all of these heirs the secondary beneficiaries (Level II) become Heirs under various conditions. In the absence of a particular Heir (eg; Uncle) if and when he/she is entitled the children of that Heir become eligible.

LEVEL I - Inheritance Logic:

1. **SHARE OF HUSBAND**

IF NO ENTITLED DESCENDANTS EXIST (ie; Children/Grandchildren) THEN

HUSBAND = 1/2

IF ENTITLED DESCENDANTS EXIST (ie; Children/Grandchildren) THEN

HUSBAND = 1/4

Note: ENTITLED DESCENDANTS = Sons, Daughters, Son's Son, Son's Daughter. Daughter's children are NOT entitled.

2. **SHARE OF WIFE**

IF NO ENTITLED DESCENDANTS EXIST (ie; Children/Grandchildren) THEN

WIFE = 1/4

IF ENTITLED DESCENDANTS EXIST (ie; Children/Grandchildren) THEN

WIFE = 1/8

Note: ENTITLED DESCENDANTS = Sons, Daughters, Son's Son, Son's Daughter. Daughter's children are NOT entitled.

3. **SHARE OF DAUGHTER'(s)**

IF ONLY ONE DAUGHTER (and NO Sons) THEN

DAUGHTER = 1/2

IF TWO OR MORE DAUGHTERS ONLY (and NO Sons) THEN

DAUGHTERS = 2/3
(to be shared equally between all of them)

IF both SON's & DAUGHTERS EXIST, THEN

SON:DAUGHTER = 2:1

4. **SHARE OF FATHER**

IF ENTITLED DESCENDANTS EXIST

(Sons, Daughters, Son's Sons, Son's Daughters)

THEN

FATHER = 1/6

IF NO MALE DESCENDANTS EXIST (Sons, Son's Sons)

THEN

FATHER = 1/6 plus Residue

(residue = remainder after all legal shares are distributed)

IF NO ENTITLED DESCENDANTS EXIST

THEN

FATHER = Residue

5. SHARE OF MOTHER

IF ENTITLED DESCENDANTS or BROTHERS/SISTERS EXIST

THEN

MOTHER = 1/6

IF NO ENTITLED DESCENDANTS EXIST

THEN

IF NO BROTHERS/SISTERS, NO FATHER, NO SPOUSE EXIST

THEN

MOTHER = 1/3

IF BROTHERS/SISTERS, FATHER, or SPOUSE EXIST

THEN

MOTHER = 1/3 of Residue

6. UTERINE BROTHER/SISTER (from same Mother, different father)

IF ONE UTERINE BROTHER/SISTER EXIST

THEN

IF NO ENTITLED DESCENDANTS and NO MALE ASCENDANTS

(Father/Father's Father etc)

THEN

UTERINE BROTHER = 1/6 or UTERINE SISTER = 1/6

IF TWO OR MORE UTERINE BROTHERS/SISTERS EXIST

THEN

IF NO ENTITLED DESCENDANTS .AND.NO MALE ASCENDANTS

(Father/Father's Father etc.)

THEN

ALL UTERINE BROTHERS & SISTERS = 1/3

Note: If there are UTERINE Brothers/Sisters IN ADDITION to FULL Brothers/Sisters (same father/mother), then they share in the residue.

7. SHARE OF SON'S DAUGHTER

IF ONE SON'S DAUGHTER EXIST
THEN
IF NO DAUGHTERS EXIST
THEN
IF NO SON'S SON EXIST
THEN
SON'S DAUGHTER = 1/2
IF SON'S SON EXIST
THEN
SON'S DAUGHTER = HALF SHARE OF SON'S SON
(ie Son's SON share: Son's DAUGHTER share = 2:1)

IF TWO OR MORE SON'S DAUGHTERS EXIST
THEN
IF NO DAUGHTERS EXIST
THEN
IF NO SON'S SONs EXIST
THEN
SON'S DAUGHTERS = 2/3 (equally between them)

IF SON's SON EXISTS
THEN
SON'S DAUGHTER = HALF SHARE OF SON'S SON
(ie Son's SON share: Son's DAUGHTER share = 2:1)

8. SHARE OF FULL BROTHER/SISTER
(Full Brother/Sisters are brothers/sisters from the same FATHER & MOTHER)

Brothers & Sisters inherit ONLY when there are NO Descendants (Son/Sons, Son's son etc.) and NO Ascendants (Father/Grandfather etc.)

The arabic word "**AL-KHALALA**" is used in the Quran, Chapter 4 - Al-Nisa, Verses 12 & 176, which is translated by almost all the translators of the Quran to mean "Ascendants & Descendants" thus giving rise to the interpretation that they include "Parents and Children". However, many scholars have preferred to classify the word as meaning "Father or Son" thus excluding the female components of both Ascendants and Descendants (mother & daughters).

IF NO FULL BROTHER and NO FEMALE ENTITLED DESCENDANT EXIST
(daughter, Son's daughter etc.)

THEN
IF deceased was MALE,
THEN

FULL SISTER = 1/2 (if only ONE)

IF NO FULL SISTER and NO FEMALE ENTITLED DESCENDANT EXIST
THEN
IF deceased was FEMALE,
THEN

FULL BROTHER = 1 (if only ONE)

IF TWO OR MORE BROTHERS & SISTERS
THEN

FULL SISTERs = 2/3 (shared equally between them)
FULL BROTHER's & SISTER's (combination) = 2:1

IF NO FULL BROTHER EXIST but FEMALE ENTITLED DESCENDANT EXIST

(daughter, Son's daughter etc.)

THEN

FULL SISTER = 1/6 (if only one)

IF NO FULL SISTER EXIST but FEMALE ENTITLED DESCENDANT EXIST
THEN

FULL BROTHER = 1/6 (if only one)

IF FEMALE ENTITLED DESCENDANT EXIST
THEN

FULL SISTERS & BROTHERS = 1/3 (share equally)

9. CONSANGUINE SISTER (Sister from same Father but different Mother)

Consanguine Sisters inherit ONLY when there are NO SON's or Son's SON(s) AND NO FATHER AND NO FULL BROTHER.

IF ONLY ONE FULL SISTER AND NO CONSANGUINE BROTHER
THEN

CONSANGUINE SISTER (if only one) **= 1/2**
CONSANGUINE SISTER(s) (if two or more) **= 2/3**

IF ONE FULL SISTER AND CONSANGUINE BROTHER(s)
THEN

(**CONSANGUINE) BROTHER:SISTER = 2:1**

10. TRUE GRANDMOTHER

True Grandmother is defined as the one whose line of connection with the deceased is NOT interrupted by a MALE between two FEMALES. They are entitled ONLY if the FATHER or MOTHER do not exist.

Eg; Mother's MOTHER, Father's MOTHER
Father's Father's MOTHER, Mother's Mother's MOTHER

TRUE GRANDMOTHER = 1/6

11. TRUE GRANDFATHER

True Grandfather is the one whose line of connection with the deceased is NOT interrupted by a FEMALE between two MALES. They are entitled ONLY if the Father or Mother do not exist.

Eg; Father's FATHER
Father's Father's FATHER
Mother's FATHER
Mother's Father's FATHER

TRUE GRANDFATHER = 1/6 IF MALE DESCENDANTS EXIST (Son, etc)
TRUE GRANDFATHER = 1/6 + Residue IF FEMALE descendants exist
TRUE GRANDFATHER = Residue IF NO Male/Female descendants exist

12. UNCLES & AUNTS (Father's/Mother's Brothers & Sisters)

Uncles and Aunts are ONLY entitled in the absence of GRANDPARENTS. This means that they will receive shares ONLY if there are NO Parents AND Grandparents because Grandparents do not inherit when the Parents are living. They will also NOT inherit if the children (or children's children) of the deceased are living. Proportions here are also in the ratio of 2:1 for Male:Female.

13. NEPHEWS & NIECES (Children of Brothers/Sisters)

Nephews and Nieces are ONLY entitled in the absence of Brothers and Sisters. This means that they take the shares of the Brothers/Sisters of the deceased in their absence. Hence a Nepew/Niece will receive what his/her parent (Brother/Siuster of the deceased) would have received if he/she was alive. They will also NOT inherit if the children (or children's children) of the deceased are living. Proportions here are also 2:1 for Male:Female**.**